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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,191	12/11/2003	Ronald S. Lizzi	AO663A	8049
7590 04/12/2005			EXAMINER	
Arthur G. Schaier Carmody & Torrance LLP 50 Leavenworth Street P.O. Box 1110 Waterbury, CT 06721-1110			MISKA, VIT W	
			ART UNIT	PAPER NUMBER
			2841	
DATE MAILED: 04/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,191	<b>Applicant(s)</b> LIZZI ET AL.	
	<b>Examiner</b> Vit W. Miska	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeannet et al
2. The reference discloses a timepiece with a display having a plurality of digits 4 on ring 5, integrated circuit of Fig. 2 operable in a date display mode for displaying digits 1-31 or in a counting mode for displaying digits MON-FRI (Fig. 3), stepping motor M2 for causing the ring to rotate, mode selecting means 9 for selecting between the date and counting modes.
3. A gearing assembly with wheels is not specifically mentioned, however in view of the fact that motor M2 is designed to rotate ring 5, it would be obvious to one skilled in the art that some type of gearing would be necessary between the motor and ring in order that the latter rotate at the appropriated rate, as conventionally done in analog type timepiece movements.
4. With respect to the two rotation rates recited in the last paragraph of claim 1 and the limitations of claim 5, patentee suggests that "different items of information could be

called up by successive pressures, for example, on the crown, or by a single pressure making it possible to trigger said items of time information according to a predetermined order with an automatic return to a preferred time information , such as the current day of the current month." (col. 3, lines 18ff). Thus, the date display 1-31 would rotate at a different rate from that of the day of the week display MON-SUN when switched between the two modes. Return to a previous display mode as in claim 5 is likewise set forth in the quoted passage.


5. Regarding claim 4, ring 5 in Jeannet appears to rotate in the same direction in both modes. However, motor M2 is described as a "reversible motor M2" (col.3, line 49) and therefore, the direction of rotation of ring 5 in each mode would be an obvious choice for one skilled in the art because the placement of digits 4 on ring 5 may be done in either a clockwise or counterclockwise order for each mode and the device would function in the same manner. Although in the embodiment of Fig. 3 the digits for the date and week are each arranged such that the ring rotates counterclockwise in each mode, one of ordinary skill would recognize that this arrangement is only exemplary and that in the date mode the could ring rotate in one direction and in the day of week (counting) mode the ring could rotate in an opposite direction if the order of the digits were reversed in each mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VM  
4/7/2005



Vit Miska  
Primary Examiner